

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reissue Application of: James Altadonna, Jr.

PATENT NO: 6,015,425  
DATE OF PATENT: January 15, 2000  
SERIAL NO: ~~09/208,525~~ 10/034,046  
FILED: December 9, 1998  
FOR: NASAL AIR FRESHENER FOR DENTAL PATIENTS

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

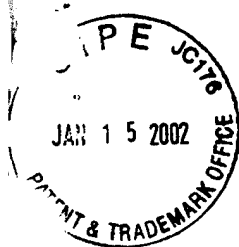
PETITION PURSUANT TO RULE 1.10 (C)

Dear Sir:

Applicant hereby petitions the Commissioner pursuant to Rule 1.10 (C) to deem the above Reissue application filed as of December 20, 2001 with respect to the above-identified application for Letters Patent.

The last above noted patent issued on January 15, 2000. A reissue application was mailed on December 20, 2001 to the Commissioner of Patents, PO Box 2327, Arlington, VA 22202. The Reissue Application was accompanied by a proper certificate of mailing by Express Mail No. EL 350347374US.

To date, more than three weeks later, no postcard receipt has been forthcoming from the U.S. Patent Office. As soon as applicant became aware of this situation immediate steps were taken to determine the status of the Express Mail delivery and to have the application deemed



filed as of December 20, 2001 by way of the instant petition.

Applicant's petition is accompanied by a verified showing that the Reissue Application was filed by Express Mail pursuant to Rule 1.10 (C). The Declaration of Alfred M. Walker of the law firm of Alfred M. Walker, PC is being filed concurrently herewith in support of Applicant's Petition. A copy of the Reissue Application which was originally mailed to the Patent and Trademark Office on December 20, 2001 is enclosed herewith as Exhibit "A". A copy of the patent, which was surrendered with the reissue application is attached hereto as Exhibit "B".


Also enclosed as Exhibit "C" is a copy of the US Postal Service Express Mail Shipping Center tracking confirmation which includes proof that the above Express Mail Package # EL 350347374US was clocked in and received by the US Patent Office Post Office Box 2327, Arlington, VA 22202, and signed by "D. Boston."

RECEIVED  
FEB 04 2002  
OFFICE OF PETITIONS

The reasons as fully set forth in the accompanying Declaration of Alfred M. Walker provides an adequate basis to deem the Reissue timely filed by Express Mail as of December 20, 2001.

Respectfully submitted,

Date: January 11, 2002

  
\_\_\_\_\_  
Alfred M. Walker  
Attorney for Applicant  
Reg. No. 29, 983

225 Old Country Road  
Melville, NY 11747-2712  
(631) 361-8737